

FILED

## UNITED STATES DISTRICT COURT

JUN 02 2023

for the

Eastern District of California

Division

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

CHRISTINA MOORE

Case No. 1:23-cv-00846-EPG

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

KEITH FAGUNDES

Jury Trial: (check one) ☒ Yes ☐ No

RECEIVED

JUN 02 2023

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                      DEPUTY CLERK

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Christina Moore		
Address	4712 Admiralty Way 338		
	Marina del Rey	CA	90292
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Los Angeles		
Telephone Number			
E-Mail Address			

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	Keith Fagundes		
Job or Title <i>(if known)</i>	District Attorney		
Address	1400 Lacey Blvd #4		
	Hanford	CA	93230
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Kings		
Telephone Number	(559)582-0326		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? My Right to Due Process under the Fourth and Fourteenth Amendments and Equal Protection of the law under the California Constitution Declaration of Rights Article 1 Sections 7, 13, 14, 15, 24, 29, California Penal Codes 739, 849, 859, 861, 864, 865, 866.6, 871.5, 871.6, 876, 877, and 883.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- The district attorney was negligent in the discharge of his duties and responsibilities by not filing a proper information as provided in California Penal Code 872 in the superior court of the county within 15 days after commitment according to California Penal Code 739. (see exhibit 1)
- 

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
Department 5 of the Superior California Court of Kings County.
- 
- B. What date and approximate time did the events giving rise to your claim(s) occur?  
September 14, 2020 approximately 10:30AM and March 17, 2022 approximately 2:00PM.
- 
- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)  
See attached filed affidavit exhibit 2.
-

**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

N/A

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

A. Dismiss case #20CMS-4632A with prejudice

B. Enter judgment in favor of Plaintiff and against Defendant(s)

C. Award Plaintiff compensatory and punitive damages against Defendant(s) from emotional distress, humiliation, outrage, indignity, anguish, and shock, unwanted and offensive physical contact, damage to reputation, lost opportunity of wages, and other damages currently unascertainable

D. Award Plaintiff's counsel reasonable attorney's fees and costs pursuant to 42 U.S.C. Section 1988 and any other applicable provisions of law

E. Enter a permanent injunction, upon proper motion, requiring Defendant of Kings County to adopt appropriate policies related to the hiring and supervision of its police officers and sheriffs

F. Grant to Plaintiff such other and further relief as may be just and proper under the circumstances, including but not limited to appropriate injunctive relief.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 29, 2023

Signature of Plaintiff

By: Christina Moore

Printed Name of Plaintiff

By: Christina Moore

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



1 **KEITH L. FAGUNDES**  
2 **District Attorney, County of Kings**  
3 **Kings County Government Center**  
4 **1400 W. Lacey Blvd.**  
5 **Hanford, California 93230**  
6 **Telephone (559) 582-0326**  
7 **D.A.#: 0133326**

8 **Attorney for Plaintiff**

**FILED**

**DEC 01 2022**

NOCONA SOBOLESKI, CLERK OF COURT  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS  
*[Signature]* DEPUTY  
**KASSANDRA MARTINEZ**

9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS**

10 **THE PEOPLE OF THE STATE OF CALIFORNIA**  
11 **Plaintiff,**

12 **vs.**

13 **CHRISTINA MARIE MOORE**  
14 **AKA CHRISTINA MOORE**  
15 **Defendants**

**No. 20CMS-4632A**

**INFORMATION**

16 **The District Attorney alleges in all counts below that in the County of Kings, State of**  
17 **California:**

18 **Count 1**

19 **On or about September 15, 2020, in the County of Kings, State of California, the crime of Aiding**  
20 **A Prisoner's Escape in violation of PC4534, a Felony, was committed in that CHRISTINA MARIE**  
21 **MOORE did willfully and unlawfully assist Marina Henderson, who was then and there in the lawful**  
22 **custody of the Kings County Sheriff, to attempt to escape.**

23 **Count 2**

24 **On or about September 14, 2020, in the County of Kings, State of California, the crime of**  
25 **Resisting Executive Officer in violation of PC69, a Felony, was committed in that the said defendant,**  
26 **CHRISTINA MARIE MOORE, did unlawfully attempt by means of threats and violence to deter and**  
27 **prevent E. Vasquez, who was then and there an executive officer, from performing a duty imposed upon**  
28 **such officer by law, and did knowingly resist by the use of force and violence said executive officer in**  
29 **the performance of his/her duty.**

**Information**

**NOTICE:** Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime.

**Count 3**

On or about September 14, 2020, in the County of Kings, State of California, the crime of Disobeying Court Order in violation of PC166(a)(4), a Misdemeanor, was committed in that **CHRISTINA MARIE MOORE** did unlawfully commit contempt of court by willful disobedience of a process and order lawfully issued by a court, to wit, to take a seat in the courtroom.

**Count 4**

On or about September 14, 2020, in the County of Kings, State of California, the crime of Criminal Contempts: In Presence Of Court in violation of PC166(a)(1), a Misdemeanor, was committed in that **CHRISTINA MARIE MOORE** did unlawfully engage in a contempt of court by disorderly, contemptuous, and insolent behavior committed during the sitting of said court of justice in immediate view and presence of said court, and directly tending to interrupt its proceedings and impair the respect due to its authority.

**Count 5**

On or about September 14, 2020, in the County of Kings, State of California, the crime of Disobeying Court Order in violation of PC166(a)(4), a Misdemeanor, was committed in that **CHRISTINA MARIE MOORE** did unlawfully commit contempt of court by willful disobedience of a process and order lawfully issued by a court, to wit, No recording in the courthouse.

**Count 6**

On or about September 14, 2020, in the County of Kings, State of California, the crime of Resist, Obstruct, Delay Of Peace Officer Or Emt in violation of PC148(a)(1), a Misdemeanor, was committed in that **CHRISTINA MARIE MOORE** did willfully and unlawfully resist, delay or obstruct Deputies

Information



1 T. Underwood and K. Van Bindsbergen who were then and there peace officers attempting to and  
2 discharging the duty of their office and employment.  
3

4 Executed on November 22, 2022 at Hanford, California.  
5

6 KEITH L. FAGUNDES  
7 DISTRICT ATTORNEY

8   
9

10 JAY S FINNECY  
11 DEPUTY DISTRICT ATTORNEY

12 JSF/cj

13 **DISCOVERY REQUEST**

14 Pursuant to Penal Code Section, 1054.5(b), the People are hereby informally requesting that defendant's  
15 counsel provide discovery to the People as required by Penal Code Section 1054.3.  
16



The document to which this certificate is affixed is a  
full, true and correct copy of the original on file and of  
record in my office. **DEC 01 2022**

Attest \_\_\_\_\_

NOCONA SOBOLESKI, Clerk of Court of the State of  
California, in and for the County of Kings

BY  Deputy.  
**KASSANDRA MARTINEZ**

Information

CONFORMED COPY  
ORIGINAL FILED ON

MAR 18 2023

NOCONA SOBOLESKI, CLERK OF COURT  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS

DEPUTY

CHRISTINA MOORE

4712 ADMIRALTY WAY #338

MARINA DEL RAY, CA 90292

CHRISMTRUST@PROTONMAIL.COM

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KINGS

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

.vs

CHRISTINA MARIE MOORE,

Defendent

Case No. 20CMS-4632A

AFFIDAVIT OF FACT

AFFIDAVIT OF FACT

I, CHRISTINA MOORE, have personal knowledge to the facts stated in this affidavit and, if called upon to testify, I could and would completely and truthfully testify to the facts stated below.

On September 14, 2020, without probable cause to believe I had committed a crime or threat of violence, I was arrested in the courtroom 5 of the Kings County Superior Court California. I was not armed with any kind of weapon, and posed no reasonable threat of violence to any sheriff, nor to any individual. I made no aggressive movements, no fugitive gestures, and no physical movements which would suggest to a reasonable sheriff that I was armed with any kind of weapon, or had the will or the ability to inflict substantial bodily harm, or posed any threat against any individual.

AFFIDAVIT OF FACT - 1

Exhibit 2

1 I was not taken without delay before a magistrate having jurisdiction, to take a preliminary  
2 examination with a written complaint, supported with evidence by the deputy sheriff, sworn  
3 under oath and penalty of perjury.

4 The deputy sheriff who arrested me for a criminal charge, willfully delayed to take me before a  
5 magistrate having jurisdiction, for a preliminary examination, and is guilty of a misdemeanor.  
6 *California Penal Code 145.*

7 This proceeding has failed to produce a written complaint under oath and penalty of perjury  
8 subscribed by the complainant. *California Penal Code 737.*

9 I was not taken without delay before a magistrate to a preliminary examination with a written  
10 complaint under oath and penalty of perjury subscribed by the complainant. *California Penal*  
11 *Code 738; California Constitution Declaration of Rights Section 14.*

12 I was never charged with the commission of a felony by a written complaint subscribed under  
13 oath and on file in the court within the county in which the felony is triable. I was never, without  
14 unnecessary delay, taken before a magistrate of the court in which the complaint was filed in. A  
15 magistrate never immediately deliver to me a copy of the complaint, informed me that I have the  
16 right to have the assistance of counsel, asked if I desired the assistance of counsel, and allowed  
17 me reasonable time to send for counsel. *California Penal Code 859; California Constitution*  
18 *Declaration of Rights Section 14.*

19 This proceeding has failed to produce a sufficient cause complaint stating personal knowledge  
20 facts and evidence of the matter with a committed order signed by a magistrate. *California Penal*  
21 *Code 872; California Evidence Code 702.*

22 This proceeding has failed to produce an affidavit from a magistrate postponing not more than 10  
23 court days. *California Penal Code 861.*

24 The district attorney was negligent in the discharge of their duty by not filling a proper and  
25 complete information as provided in Section 872 in the superior court of this county within 15  
26 days after commitment. *California Penal Code 739.*

27  
AFFIDAVIT OF FACT - 2

Exhibit 2

1  
2 This preceding has lost subject matter jurisdiction without due process of law and denied equal  
3 protection of the laws. *California Constitution Declaration of Rights Section 7, 24, and 29.*

4  
5 The court must order the action to be dismissed for a proper and complete information, as  
6 provided in Section 872, was not filed within 15 days after commitment. *California Penal Code*  
7 *1382.*

8 In furtherance of justice, on motion of the court, the judge or magistrate shall order the action  
9 dismissed. *California Penal Code 1385.*

10  
11 I declare under penalty of perjury under the laws of the California, that the foregoing is true and  
12 correct and that this verification was executed on March 08, 2023 at Los Angeles County,  
13 California.

14  
15  
16  
17  
18 By Christina Moore, Beneficiary  
19 By: Christina: Moore, Beneficiary